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Netflix, Inc., and  
Netflix Worldwide Entertainment, LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

Plaintiff,

v.

NETFLIX, INC., and NETFLIX  
WORLDWIDE ENTERTAINMENT,  
LLC,

Defendants.

Case No. 2:24-cv-04744-RGK-AJR

**DECLARATION OF MARVIN S.  
PUTNAM IN SUPPORT OF  
DEFENDANTS' SPECIAL MOTION TO  
STRIKE**

Date: September 3, 2024

Time: 9:00 a.m.

Place: Courtroom 850

Hon. R. Gary Klausner

**DECLARATION OF MARVIN S. PUTNAM**

I, Marvin S. Putnam, declare as follows:

1. I am an attorney duly licensed to practice before this Court. I am a partner at the law firm of Latham & Watkins LLP (“Latham”), and attorney of record for defendants Netflix, Inc. and Netflix Worldwide Entertainment, LLC (collectively, “Defendants” or “Netflix”). I have personal knowledge of the facts stated in this declaration, and if called to testify as a witness, would and could competently do so. I respectfully submit this declaration in support of Defendants’ Special Motion to Strike.

2. On May 9, 2024, in an interview on *Piers Morgan Uncensored*, Fiona Harvey (“Harvey”) publicly denied that she resembles or shares similarities with the character Martha Scott as depicted in *Baby Reindeer* (the “Series”).

3. A true and correct copy of Harvey’s interview on *Piers Morgan Uncensored* dated May 9, 2024, will be lodged as **Exhibit A**.

4. For instance, Harvey stated that there are only “two true facts in [the Series]: His name is Richard Gadd, and he’s a jobbing barman. And we met two or three times.” See Exhibit A at 7:40.<sup>1</sup>

5. She claimed that, contrary to the depiction of Martha and Donny’s relationship in the show, among other differences:

6. She never accepted free drinks from Richard Gadd (“Gadd”) because she’s not destitute. *Id.* at 9:12.

7. Gadd never visited her home or looked into her windows. *Id.* at 10:20.

8. She never sent Gadd any communications, or if any, just a small number. *Id.* at 10:58; 13:40-14:26; 15:20; 37:00; 38:18; 41:30.

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<sup>1</sup> References to timestamps indicate the amount of time elapsed in the interview.

1           9. She never pretended that her messages to Gadd were coming from an  
2 iPhone when in fact they were not. *Id.* at 13:07.

3           10. She never called Gadd, and didn't even have his number. *Id.* at 34:50,  
4 37:10.

5           11. She didn't know where Gadd lived and never visited his home. *Id.* at  
6 16:48.

7           12. She only attended one of Gadd's comedy shows and never heckled  
8 him. *Id.* at 16:16.

9           13. She never attacked his girlfriend, and believes he never had a  
10 girlfriend. *Id.* at 16:38.

11           14. She only interacted with Gadd for two or three months, only met him  
12 a few times, and was not his friend. *Id.* at 3:58; 7:47; 23:46; 39:12; 43:10; 46:12;  
13 53:18.

14           15. She is 18-20 years older than the actress that played Martha, and she  
15 doesn't resemble Martha or sound like her. *Id.* at 8:35; 8:40; 18:40 19:11; 22:02.

16           16. Indeed, Harvey stated that the only physical similarities she shares  
17 with Martha are that they both have dark hair and are Scottish. *Id.* at 19:11.

18           17. Harvey thus proclaimed that the Series "is a work of fiction," and that  
19 Martha "cannot be me" because she "is a fictional character . . . of [Gadd's]  
20 imagination." *Id.* at 7:33; 14:49; 17:22.

21           18. A true and correct copy of the article titled "Richard Gadd wins The  
22 Stage Edinburgh Award 2019" (*Oxford Drama*, August 24, 2019;  
23 [https://oxforddrama.ac.uk/news/richard-gadd-wins-the-stage-edinburgh-award-](https://oxforddrama.ac.uk/news/richard-gadd-wins-the-stage-edinburgh-award-2019/)  
24 2019/, last accessed July 23, 2024) is attached hereto as **Exhibit B**.

25           19. A true and correct copy of the article titled "Richard Gadd on his  
26 stalker: "It would be unfair to say she was awful and I'm a victim"" (Logan, Brian;  
27 *The Guardian*, September 10, 2019;  
28

1 [https://www.theguardian.com/stage/2019/sep/10/richard-gadd-stalker-baby-](https://www.theguardian.com/stage/2019/sep/10/richard-gadd-stalker-baby-reindeer)  
2 [reindeer](https://www.theguardian.com/stage/2019/sep/10/richard-gadd-stalker-baby-reindeer), last accessed July 23, 2024) is attached hereto as **Exhibit C**.

3 20. A true and correct copy of the article titled “Baby Reindeer review:  
4 Searingly personal work from Richard Gadd feels like a radical gesture”  
5 (Thompson, Jessie; *The Standard*, October 14, 2019;  
6 [https://www.standard.co.uk/culture/theatre/baby-reindeer-review-searingly-](https://www.standard.co.uk/culture/theatre/baby-reindeer-review-searingly-personal-work-from-richard-gadd-feels-like-a-radical-gesture-a4260691.html)  
7 [personal-work-from-richard-gadd-feels-like-a-radical-gesture-a4260691.html](https://www.standard.co.uk/culture/theatre/baby-reindeer-review-searingly-personal-work-from-richard-gadd-feels-like-a-radical-gesture-a4260691.html), last  
8 accessed July 23, 2024) is attached hereto as **Exhibit D**.

9 21. A true and correct copy of the article titled “Baby Reindeer (Bush  
10 Theatre)” (*Lou Reviews*, October 17, 2019;  
11 <https://loureviews.blog/2019/10/17baby-reindeer-bush-theatre/>, last accessed July  
12 23, 2024) is attached hereto as **Exhibit E**.

13 22. A true and correct copy of the article titled “Richard Gadd wins an  
14 Olivier Award” (*Chortle*, October 26, 2020;  
15 [https://www.chortle.co.uk/news/2020/10/26/47175/richard\\_gadd\\_wins\\_an\\_olivier\\_](https://www.chortle.co.uk/news/2020/10/26/47175/richard_gadd_wins_an_olivier_award)  
16 [award](https://www.chortle.co.uk/news/2020/10/26/47175/richard_gadd_wins_an_olivier_award), last accessed July 23, 2024) is attached hereto as **Exhibit F**.

17 23. A true and correct copy of the article titled “Richard Gadd’s Baby  
18 Reindeer to be adapted into Netflix Series” (Wood, Alex; *What’s On Stage*,  
19 December 13, 2020; [https://www.whatsonstage.com/news/richard-gadds-baby-](https://www.whatsonstage.com/news/richard-gadds-baby-reindeer-to-be-adapted-into-netflix-series_53015/)  
20 [reindeer-to-be-adapted-into-netflix-series\\_53015/](https://www.whatsonstage.com/news/richard-gadds-baby-reindeer-to-be-adapted-into-netflix-series_53015/), last accessed July 23, 2024) is  
21 attached hereto as **Exhibit G**.

22 24. A true and correct copy of the article titled “Netflix Trailer for ‘Baby  
23 Reindeer’ Awkward Stalker Dark Comedy Series” (Billington, Alex; *First*  
24 *Showing*, March 22, 2024; [https://www.firstshowing.net/2024/netflix-trailer-for-](https://www.firstshowing.net/2024/netflix-trailer-for-baby-reindeer-awkward-stalker-dark-comedy-series/)  
25 [baby-reindeer-awkward-stalker-dark-comedy-series/](https://www.firstshowing.net/2024/netflix-trailer-for-baby-reindeer-awkward-stalker-dark-comedy-series/), last accessed July 28, 2024)  
26 is attached hereto as **Exhibit H**.

27 25. A true and correct copy of the article titled “Netflix’s ‘Baby Reindeer’  
28 review: One of the most brilliant and upsetting shows of 2024” (Hayson, Sam,

1 *Mashable*, April 16, 2024; [https://mashable.com/article/netflix-baby-reindeer-](https://mashable.com/article/netflix-baby-reindeer-review#:~:text=Baby%20Reindeer%20is%20often%20hard,is%20painful%2C%20for%20multiple%20reasons)  
2 [review#:~:text=Baby%20Reindeer%20is%20often%20hard,is%20painful%2C%20](https://mashable.com/article/netflix-baby-reindeer-review#:~:text=Baby%20Reindeer%20is%20often%20hard,is%20painful%2C%20for%20multiple%20reasons)  
3 [for%20multiple%20reasons](https://mashable.com/article/netflix-baby-reindeer-review#:~:text=Baby%20Reindeer%20is%20often%20hard,is%20painful%2C%20for%20multiple%20reasons), last accessed July 23, 2024) is attached hereto as  
4 **Exhibit I.**

5 26. A true and correct copy of the article titled “Netflix’s ‘Baby Reindeer’  
6 Is a Brilliant and Jarring Account of Stalking, Victimization and Emotional  
7 Turmoil: TV Review” (Tinubu, Aramide; *Variety*, April 18, 2024;  
8 [https://variety.com/2024/tv/reviews/baby-reindeer-review-richard-gadd-](https://variety.com/2024/tv/reviews/baby-reindeer-review-richard-gadd-1235975310/)  
9 [1235975310/](https://variety.com/2024/tv/reviews/baby-reindeer-review-richard-gadd-1235975310/), last accessed July 23, 2024) is attached hereto as **Exhibit J.**

10 27. A true and correct copy of the article titled “Is Netflix’s ‘Baby  
11 Reindeer’ Set To Stampede The Emmy Awards” (Lago, Giovanni; *Next Big*  
12 *Picture*, May 9, 2024; [https://nextbestpicture.com/is-netflixs-baby-reindeer-set-to-](https://nextbestpicture.com/is-netflixs-baby-reindeer-set-to-stampede-the-emmy-awards/#google_vignette)  
13 [stampede-the-emmy-awards/#google\\_vignette](https://nextbestpicture.com/is-netflixs-baby-reindeer-set-to-stampede-the-emmy-awards/#google_vignette), last accessed July 23, 2024) is  
14 attached hereto as **Exhibit K.**

15 28. A true and correct copy of the article titled “Baby Reindeer Begins a  
16 Journey to Emmys Gold at Gotham TV Awards” (Walsh, Savannah; *Vanity Fair*,  
17 June 5, 2024; [https://www.vanityfair.com/hollywood/story/baby-reindeer-begins-a-](https://www.vanityfair.com/hollywood/story/baby-reindeer-begins-a-journey-to-emmys-gold-at-gotham-tv-awards#:~:text=Baby%20Reindeer%20Begins%20a%20Journey,Smith%20and%20Colin%20From%20Accounts)  
18 [journey-to-emmys-gold-at-gotham-tv-](https://www.vanityfair.com/hollywood/story/baby-reindeer-begins-a-journey-to-emmys-gold-at-gotham-tv-awards#:~:text=Baby%20Reindeer%20Begins%20a%20Journey,Smith%20and%20Colin%20From%20Accounts)  
19 [awards#:~:text=Baby%20Reindeer%20Begins%20a%20Journey,Smith%20and%20](https://www.vanityfair.com/hollywood/story/baby-reindeer-begins-a-journey-to-emmys-gold-at-gotham-tv-awards#:~:text=Baby%20Reindeer%20Begins%20a%20Journey,Smith%20and%20Colin%20From%20Accounts)  
20 [0Colin%20From%20Accounts](https://www.vanityfair.com/hollywood/story/baby-reindeer-begins-a-journey-to-emmys-gold-at-gotham-tv-awards#:~:text=Baby%20Reindeer%20Begins%20a%20Journey,Smith%20and%20Colin%20From%20Accounts), last accessed July 23, 2024) is attached hereto as  
21 **Exhibit L.**

22 29. A true and correct copy of the article titled “MP wife’s stalker; lawyer  
23 Laura tells of fired trainee’s hate campaign” (McPherson, Lynn; *Sunday Mail*,  
24 January 30, 2000;  
25 [https://www.thefreelibrary.com/MP+WIFE%27S+STALKER%3B+Lawyer+Laura](https://www.thefreelibrary.com/MP+WIFE%27S+STALKER%3B+Lawyer+Laura+tel...)  
26 [+tells+of+fired+trainee%27s+hate...-a061570268](https://www.thefreelibrary.com/MP+WIFE%27S+STALKER%3B+Lawyer+Laura+tel...), last accessed July 23, 2024) is  
27 attached hereto as **Exhibit M.**

28

30. A true and correct copy of the article titled “I’VE GOT A LONG  
WRRAY TO GO YET; MP Jimmy Wray talks for the first time about his stroke,  
his family and the condition that blights his littleboy’s progress” (Brown, Annie;  
*Daily Record*, March 3, 2004;  
<https://www.thefreelibrary.com/I%27VE+GOT+A+LONG+WRRAY+TO+GO+YET%3B+MP+Jimmy+talks+for+the+first+time...-a0113836577>, last accessed July  
23, 2024) is attached hereto as **Exhibit N**.

31. A true and correct copy of the article titled “‘Real-life’ Baby Reindeer  
stalking Fiona Harvey was on police watchlist over ‘sinister’ campaign against Sir  
Keir Starmer” (Sullivan, Mike; *The Sun*, May 20, 2024;  
[https://www.thesun.co.uk/news/28035155/fiona-harvey-police-watchlist-keir-  
starmer-emails/](https://www.thesun.co.uk/news/28035155/fiona-harvey-police-watchlist-keir-starmer-emails/), last accessed July 23, 2024) is attached hereto as **Exhibit O**.

32. A true and correct copy of the article titled “‘Baby Reindeer’ Creator  
Richard Gadd Asks Fans to Stop Speculating on Show’s Real-Life Characters”  
(Gardner, Chris; *The Hollywood Reporter*, April 23, 2024;  
[https://www.hollywoodreporter.com/tv/tv-news/baby-reindeer-creator-netflix-real-  
life-chracters-donny-martha-identity-1235879776/](https://www.hollywoodreporter.com/tv/tv-news/baby-reindeer-creator-netflix-real-life-chracters-donny-martha-identity-1235879776/), last accessed July 28, 2024) is  
attached hereto as **Exhibit P**.

33. A true and correct copy of the article titled “Baby Reindeer fans float  
theory that Richard Gadd’s stalker ‘Martha Scott’ might have been a man in real  
life – as they point out all the clues in the hit Netflix series” (Taylor, Jessica;  
*MailOnline*, April 23, 2024; [https://www.dailymail.co.uk/femail/article-  
13339871/Baby-Reindeer-fans-float-theory-Richard-Gadds-stalker-Martha-Scott-  
man-real-life-point-clues-hit-Netflix-series.html](https://www.dailymail.co.uk/femail/article-13339871/Baby-Reindeer-fans-float-theory-Richard-Gadds-stalker-Martha-Scott-man-real-life-point-clues-hit-Netflix-series.html), last accessed July 28, 2024) is  
attached hereto as **Exhibit Q**.

34. A true and correct copy of the article titled “Richard Gadd asks fans to  
stop hunting real-life ‘Baby Reindeer’ characters” (Vollmer, Bernelee; *Sunday  
Tribune*, May 16, 2024; <https://www.iol.co.za/sunday->

1   tribune/entertainment/richard-gadd-asks-fans-to-stop-hunting-real-life-baby-  
2   reindeer-characters-8448358f-553e-48fd-9297-17ae9f9a5294#google\_vignette,  
3   last accessed July 23, 2024) is attached hereto as **Exhibit R**.

4           35.   A true and correct copy of the article titled “Baby Reindeer: Has  
5   Richard Gadd's real stalker been revealed?” (Phillipson, Daisy; *Dexerto*, May 1,  
6   2024; [https://www.dexerto.com/tv-movies/baby-reindeer-has-richard-gadd-real-](https://www.dexerto.com/tv-movies/baby-reindeer-has-richard-gadd-real-stalker-revealed-2655346/)  
7   stalker-revealed-2655346/, last accessed July 23, 2024) is attached hereto as  
8   **Exhibit S**.

9           36.   A true and correct copy of the article titled “Labour inquiry follows  
10   selection meeting” (*The Herald*, September 5, 2000;  
11   [https://www.heraldscotland.com/news/12163265.labour-inquiry-follows-selection-](https://www.heraldscotland.com/news/12163265.labour-inquiry-follows-selection-meeting/)  
12   meeting/, last accessed July 23, 2024) is attached hereto as **Exhibit T**.

13           37.   A true and correct copy of the Series is being provided to the Court  
14   for ease of reference pursuant to the notice of lodging.

15  
16           I declare under penalty of perjury that the foregoing is true and correct.

17           Executed on this 29th day of July, 2024 in North Haven, Maine.

18  
19   Dated: July 29, 2024

By: /s/ Marvin S. Putnam  
Marvin S. Putnam